

Re: Fw: Extension of PCB Storage Requirements (Port Heiden)



09/15/2010 11:44 AM

Dave Bartus to: Scott Downey Cc: Duncan.Daniel

My key point is that ALL of the requested storage activities are (or should) be part of the CERCLA cleanup work, and the Air Force should be entirely responsible for identifying and ensuring compliance with ARARS through the CERCLA remedial process. CERCLA remedial actions are explicitly exempt from all administrative requirements of ARARs, which includes all notifications, permits, authorizations, and so on.

In terms of .61(c) requirements, the application in writing and the EPA written decision would both be consider administrative, not substantive, requirements of .61(c) requirements. Essentially, the only substantive requirement that the Air Force would have to demonstrate compliance with is the no unreasonable risk standard is met for whatever sampling, cleanup, disposal or storage will be conducted.

I think you may have responded to Dan's e-mail before seeing my e-mail responding to Dan. I'm hoping my two e-mails are consistent.....

I'm more than open to a discussion of what sort of communication we might have with the Air Force to get them back on track, and whether it should come from the TSCA program, or the CERCLA program.

Scott Downey OK, but shouldn't we have them submit this to th... 09/15/2010 11:03:58 AM

Scott Downey/R10/USEPA/US From: To: Duncan.Daniel@epamail.epa.gov Cc: Dave Bartus/R10/USEPA/US@EPA

09/15/2010 11:03 AM Date:

Re: Fw: Extension of PCB Storage Requirements (Port Heiden) Subject:

OK, but shouldn't we have them submit this to the RA per 761.61(c) and follow all the notification requirements of 761.61(a)(3) as well? Also, the PCB storage regulations are at 761.65(c)(9) not 761.60(c)(9) that you cite.

Dave - for this and other such requests, would you allow any exceptions to the specific 761.61(c) provisions, such as submitting this to Dan and not doing the notification/certification business?

One more thing, if this is part of the Port Heiden CERCLA clean-up wouldn't they handle this rather than TSCA?

I would like to hear from Dave on these issues before you respond further.

Scott Downey, Manager Pesticides and Toxics Unit US EPA Region 10 1200 6th Ave, Suite 900, OCE-084 Seattle, WA 98101-3140 (206) 553-0682

Daniel Duncan Scott: I received the following request related to... 09/15/2010 09:41:22 AM

From: Daniel Duncan/R10/USEPA/US Scott Downey/R10/USEPA/US@EPA To:

Dave Bartus/R10/USEPA/US@EPA, Jacques Gusmano/R10/USEPA/US@EPA Cc:

09/15/2010 09:41 AM Date:

Scott:

I received the following request related to Port Heiden.

The Site Consultant on behalf of Port Heiden Reports: "Approximately 700, five CY super sacks of PCB waste will be transported off the Former Port Heiden RRS Site in the next few days. They'll be transported via barge/rail for disposal in Idaho. As the weather is favorable and momentum is at our backs, we're going to continue excavating material for a few more weeks. I anticipate we'll generate another ~40, five CY super sacks. I'd expect half to be above 50 ppm, half below. I've attached a draft letter requesting permission to store these ~40 super sacks onsite for the winter".

Regulatory Analysis: The USAF can store PCB Remediation waste on-site for more than 180 days if they submit a risk-based storage request under 40 CFR 761.61(c). The USAF will be submitting a 40 CFR 761.61(c) request for PCB Storage Extension as allowed under the PCB storage regulations at 40 CFR 761.60(c)(9).

Here is their draft letter:

[attachment "Port Heiden PCB Storage Ext.doc" deleted by Scott Downey/R10/USEPA/US]

Recommendation: That the EPA review and approve this extension given the remote location of the PCB Storage at the Port Heiden Remote Radar Site (RRS).



United States Environmental Protection Agency

From the Desk Of: Daniel L. Duncan U.S. Environmental Protection Agency - Region 10 Office of Compliance and Enforcement 1200 Sixth Avenue, Suite 900, M/S OCE-084, Seattle, Washington 98101 (206) 553-6693 phone (206) 553-1775 FAX duncan.daniel@epa.gov